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AUG 25 2005

OFFICE OF PETITIONS

In re Application of
Soubie
Application No. 10/717,914
Filed: November 21, 2003
Attorney Docket No. 109-1 US
For: COMPOSITION FOR THE TREATMENT OF
BURNS, SUNBURNS, ABRASIONS, ULCERS AND
CUTANEOUS IRRITATION

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed August 11, 2005, requesting revival of the above-identified application. The petition will be treated under 37 CFR 1.181 as a request to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to respond in a timely manner to the Restriction Requirement, mailed October 20, 2004, which set forth a 1 month extendable period to reply. The Office contended that this application became abandoned on November 21, 2004 because applicant did not obtain any extensions of time and no reply was allegedly received in the Office. A Notice of Abandonment was mailed on June 2, 2005.

Petitioner asserts that an election/amendment was timely filed in the Office on November 18, 2004. The election/amendment is not in the application file. However, petitioner has submitted a copy of the first page of the November 2004 submission that contains an OIPE mailroom stamp affixed thereto. The mailroom stamp reads "Nov 18 2004".

Petitioner has shown that the election/amendment was present in the Office on November 18, 2004, which was prior to the November 20, 2004 deadline for timely response. Therefore, the petition under 37 CFR 1.181 is granted and the Notice of Abandonment is vacated.

The petition under 37 CFR 1.137(a) is dismissed as moot.

No petition fee has been or will be charged in connection with this matter.

After this decision is mailed, the application file will be forwarded to Technology Center G.A.U. 1655's technical support staff for processing the election/amendment filed November 18, 2004.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

? *E. Shirene Willis*

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